

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2004-020236

02/13/2007

HON. PAUL A KATZ

CLERK OF THE COURT
W. Bobrowski
Deputy

ASTRAGAL CONDOMINIUM UNIT OWNERS
ASSOCIATION

JOHN F MCGUIRE

v.

ASTRAGAL L L C, et al.

CRAIG A MCCARTHY

WILLIAM D BISHOP
TIMOTHY J BOJANOWSKI
TIMOTHY ALLEN BUDD
JOHN A BURIC
ADAM B CAMPBELL
DARRELL S DUDZIK
KRISTA LEE FLETCHER
MICHAEL J FRAZELLE
JOHN DUKE HARRIS
MARCELLA ROSE HOFELICH
YVONNE L HORACEK
958 W 1ST AVE
MESA AZ 85210
STEPHEN E JACKSON
KENNETH JANUSZEWSKI
BRADLEY J JOHNSTON
HOPE N KIRSCH
JAMES K KLOSS
PAUL S KULAR
MICHAEL A LUDWIG
MICHAEL E PALUMBO
ANDREW R PESHEK
RINA K RAI
MITCHELL J RESNICK
RICHARD L RIGHI

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GREGORY A ROSENTHAL
DENISE J WACHHOLZ
KENNETH W WELSH
GREGORY E WILLIAMS
GARY H BURGER
BRIAN R RUSSELL
MELISSA LIN
TERESA BECK
3131 E CAMELBACK RD STE 200
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UNDER ADVISEMENT RULING

The Court having taken Third Party Defendants Faith Plumbing Inc., Central Valley Specialties, and Diversified Drywall Structures, Inc.'s Motion for Summary Judgment under advisement; having reviewed the memoranda of the parties and legal authorities cited therein; and good cause appearing,

IT IS ORDERED granting Third-Party Defendants' Motion for Summary Judgment in part. This Court finds that the first sentence of Paragraph 18.1 of the contract between the parties is clear and unambiguous. This language purports to require the Third-Party Defendants to indemnify Third-Party Plaintiff *unconditionally*; necessitating indemnification even if Third-Party Plaintiff's negligence is the sole cause of injury. This language is void as against public policy per A.R.S. §32-1159(A).

IT IS FURTHER ORDERED denying Third-Party Defendants' Motion for Summary Judgment with respect to all other claims.